

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

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| PATRICK KIRKSEY, | § | |
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| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. G-05-057 |
| | § | |
| P&O PORTS TEXAS, INC., et al., | § | |
| | § | |
| Defendants. | § | |

**ORDER CARRYING THROUGH TRIAL DEFENDANTS TONGHAI MARITIME,
COSCO BULK CARRIER CO., LTD D/B/A COSCO BULK, COSCO GROUP AND
COSCO AMERICA, INC.'S MOTION FOR SUMMARY JUDGMENT**

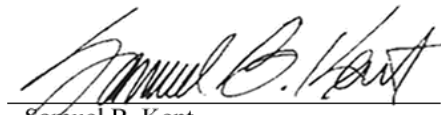
This suit arises out of injuries allegedly sustained by Plaintiff Patrick Kirksey, a longshoreman, when a steel coil that he was in the process of unloading from the M/V TONGHAI fell on him, resulting in severe injuries including the amputation of his right leg above the knee. Defendants Tonghai Maritime, Cosco Bulk Carrier Co., Ltd D/B/A Cosco Bulk, Cosco Group and Cosco America, Inc. moved for summary judgment on June 16, 2006. Plaintiff's Response would be due on July 6, 2006. Trial in this case is set to begin on July 10, 2006, less than one week after Plaintiff's Response is due.

The Court notes that this case has been on file since January 25, 2005, almost one-and-a-half years. Defendants have had ample opportunity to file such motions within a reasonable time frame that would provide Opposing Counsel with adequate time to respond and this Court with adequate time to give complete consideration to the issues raised. However, Defendants have instead waited until the eve of trial to file their Motion for Summary Judgment. Frankly, this is an irritating practice that burdens the precious judicial resources of the Court. Additionally, it smacks of nothing

more than an attempt to disrupt Opposing Counsel's trial preparation. Therefore, because of the fact-specific nature of this Motion and the proximity of trial, a decision on the issues raised in the Motion for Summary Judgment *will not be reached* until after the trial on the merits. The Motion for Summary Judgment by Defendants Tonghai Maritime, Cosco Bulk Carrier Co., Ltd D/B/A Cosco Bulk, Cosco Group and Cosco America, Inc. is hereby **CARRIED THROUGH TRIAL**.

IT IS SO ORDERED.

DONE this 22nd day of June, 2006, at Galveston, Texas.



Samuel B. Kent
United States District Judge